

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ORDER

Before the Court is the Magistrate Judge's March 30, 2016 Report and Recommendation (the "Report") recommending that the Court dismiss Plaintiff John Archer's ("Archer") Complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(a). (Report, ECF No. 10.) Neither Archer nor Defendants City of Memphis, Joseph Payne, and Larry Weston (collectively, "Defendants") have filed an objection to the Report and the time to do so has passed. For the following reasons, the Magistrate Judge's Report is ADOPTED and Archer's Complaint is DISMISSED without prejudice.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United

States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 Fed. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review – under a de novo or any other standard – those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

The Magistrate Judge finds that at a March 29, 2016 status conference, Archer stated that "due to his current financial situation and limited ability to represent himself, he [is] not in a position to move forward with prosecuting his case." (Report, ECF No. 10 at 1.) For that reason, Archer "made an oral motion to dismiss his case without prejudice." (Id.)

The Magistrate Judge recommends on these grounds that Archer's Complaint be dismissed pursuant to Federal Rule of Civil Procedure 41(a). The Report further states that any objections must be filed within fourteen (14) days after service. (Report, ECF No. 10 at 2; see also 28 U.S.C. §

636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court.").)

Because no party has objected, Arn counsels the Court to adopt the Report in its entirety. Arn, 474 U.S. at 151. Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Magistrate Judge's Report is ADOPTED and Archer's Complaint is DISMISSED without prejudice.

So ordered this 21st day of April, 2016.

/s/ Samuel H. Mays, Jr. _____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE